

## **EXHIBIT 6**

Weaver, Ph.D, Alfred Vol. II

7/21/2010

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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ePLUS, INC.

Plaintiff,

vs.

CASE NO.

3:09cv620

LAWSON SOFTWARE, INC.,

Defendant.

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VIDEOTAPED DEPOSITION OF ALFRED WEAVER, Ph.D., WITNESS

Day 2 of 2

July 21, 2010

9:18 a.m.

Taken at:

BOAR'S HEAD INN

Blue Ridge Room

200 Ednam Drive

Charlottesville, Virginia 22903

REPORTED BY: Lisa M. Blair, RPR

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1 patent.  
 2 THE VIDEOGRAPHER: Six minutes left.  
 3 Q. Okay. We can get through this pretty  
 4 quickly.  
 5 You probably can answer this question  
 6 without looking at claim 1, but it's my understanding  
 7 claim 1 requires an order list. It's the last element  
 8 at the bottom of column 23, a means for generating an  
 9 order list?  
 10 A. That's right.  
 11 Q. And I believe it's your opinion that the  
 12 shopping cart in RSS is the order list?  
 13 A. That's correct.  
 14 Q. Now, the RQ module doesn't have a  
 15 shopping cart; do you agree with that?  
 16 A. Right.  
 17 Q. Do you -- is it your opinion that RQ has  
 18 an order list?  
 19 A. Yes.  
 20 Q. What's the order list in RQ?  
 21 A. Well, we saw the -- when we did the Dell  
 22 Dimension, there were two items returned.  
 23 Q. Uh-huh (affirmative).  
 24 A. Four items and then two Items. So that's  
 25 part of the list. And it can be changed.

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1 Q. Okay. So the first search returned four  
 2 items for Dell, right?  
 3 A. Right.  
 4 Q. And the second search returned two items  
 5 for Dell dimension.  
 6 A. Right.  
 7 Q. That search result is the order list?  
 8 A. The search result is the hit list. But  
 9 when you -- when you select your items from the hit  
 10 list, then those selected items are the order list  
 11 that then later becomes a requisition and a purchase  
 12 order.  
 13 MS. STOLL-DeBELL: Jeff, can you just go  
 14 back?  
 15 MR. HVASS: I'm bringing it up.  
 16 MS. STOLL-DeBELL: He's on it.  
 17 Q. While he's doing that, I'm trying to find  
 18 where in your report you say that -- I recall a  
 19 requisition, but that screen in RQ constitutes an  
 20 order list. It was my understanding you called the  
 21 shopping cart order list from RSS?  
 22 A. I did.  
 23 Q. Okay. Yeah, that's all I recall from  
 24 your --  
 25 THE VIDEOGRAPHER: Three minutes.

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1 MS. STOLL-DeBELL: Do you want to change the  
 2 tape while he's looking.  
 3 THE VIDEOGRAPHER: We're off the record at  
 4 approximately 11:25 a.m.  
 5 (Whereupon, a recess was taken).  
 6 THE VIDEOGRAPHER: We're on the record at  
 7 approximately 11:27 a.m. Counsel may proceed.  
 8 BY MS. STOLL-DeBELL:  
 9 Q. So you were looking for the place where  
 10 you talk about how RQ meets the generating an order  
 11 list element. And it looks like you are now on page  
 12 66 of your 172 claim chart?  
 13 A. That's right.  
 14 Q. Okay.  
 15 A. And so, you're correct that the order  
 16 list is a shopping cart, and --  
 17 MS. ALBERT: Can you just play the  
 18 demonstration?  
 19 Q. Okay. So -- yeah. Before I do that, so  
 20 is there a shopping cart in RQ?  
 21 A. Not by that name.  
 22 Q. Okay. Is there an order list in RQ?  
 23 A. I don't have an opinion on that.  
 24 MR. HVASS: Do you want to continue? I'm  
 25 sorry.

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1 MS. STOLL-DeBELL: I'm deep in intense  
 2 thought.  
 3 Q. Okay. So you don't have an opinion about  
 4 whether the RQ module, as used by itself without RSS,  
 5 meets the means for generating an order list element?  
 6 A. I don't have an opinion on that.  
 7 Q. So you're not going to say it infringes?  
 8 A. Correct.  
 9 Q. Which is just as good as saying it  
 10 doesn't infringe?  
 11 A. Yes.  
 12 Q. So is your opinion with respect to  
 13 infringement of claim 1 of the '172 only with respect  
 14 to RSS with regard to S3 software?  
 15 A. Yes; the shopping cart.  
 16 Q. Okay. In the demonstrations that you did  
 17 in RSS, the first thing that we saw was profile page,  
 18 which I believe is the requisition header; does that  
 19 sound right to you?  
 20 A. That sounds right.  
 21 Q. And then you can click shopping and go to  
 22 -- what -- category searches or search catalog or that  
 23 type of thing --  
 24 A. Yes.  
 25 Q. -- to find things to put into a

20 (Pages 216 to 219)

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1 requisition?  
 2 A. Yes. Shopping cart.  
 3 Q. Which will end up in a requisition?  
 4 A. Right. Which is an order list, which  
 5 then becomes a requisition, which becomes a purchase  
 6 order.  
 7 Q. And it's your opinion that it becomes a  
 8 requisition when you click check out?  
 9 A. That's what submits it to the requisition  
 10 module.  
 11 Q. Okay. To create a requisition?  
 12 A. Correct.  
 13 Q. Okay. I'm going to move on to another  
 14 topic. So I don't know if you want to take a short  
 15 break now?  
 16 A. This would be a good time. Thank you.  
 17 MS. STOLL-DeBELL: Okay. Sure.  
 18 THE VIDEOGRAPHER: We're off the record at  
 19 approximately 11:30 a.m.  
 20 (Whereupon, a recess was taken).  
 21 THE VIDEOGRAPHER: We're on the record at  
 22 11:42 a.m. Counsel may proceed.  
 23 BY MS. STOLL-DeBELL:  
 24 Q. Okay. So Dr. Weaver, I think I asked you  
 25 earlier about whether some of the claims of the '516

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1 patent require that two catalogs be searched  
 2 simultaneously?  
 3 A. Yes.  
 4 Q. And you said that they do not. We were  
 5 looking at claim 1 specifically.  
 6 I'm going to hand you what has been  
 7 marked as Exhibit 12.  
 8 (Exhibit Number 12 was marked for  
 9 identification)  
 10 MS. STOLL-DeBELL: Ms. Albert, you have  
 11 copies right there.  
 12 Q. This is the deposition transcript from  
 13 the deposition of Brooks Hilliard, who is an expert  
 14 for ePlus as well; and ask you to go to page 175, line  
 15 11 of this transcript. And at line 11 I asked him the  
 16 question: "Do you agree that the '516 patent claims  
 17 require that the user select at least two product  
 18 catalogs to be searched simultaneously?" And then he  
 19 says he needs to refresh his memory. And he answers  
 20 at line 22, "Well, it requires that be able to search  
 21 a subset of the catalogs -- of the collection of  
 22 catalogs, and be able to do that, those catalogs and  
 23 the subset, be able to search them simultaneously.  
 24 And then I asked him at line 2 of page 176, "And the  
 25 subset, is it your opinion that the subset needed to

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1 include at least two product catalogs?" And he said  
 2 yes.  
 3 So he -- it's his opinion that you need  
 4 to search two catalogs simultaneously for claim 1,  
 5 which is the opposite of your opinion; isn't that  
 6 right?  
 7 A. Yes.  
 8 Q. Who's right?  
 9 A. The court said that -- when it comes to  
 10 the court, we want to be very accurate, don't we?  
 11 Q. We do.  
 12 A. So let's find --  
 13 Q. I think it was page 41 that talks about  
 14 that, but Ms. Albert can maybe check that and make  
 15 sure I'm right.  
 16 MS. ALBERT: I don't know that the  
 17 description at page 41 deals with claim 1 of the '516.  
 18 MS. STOLL-DeBELL: I don't think it does.  
 19 My understanding is that when the court said it didn't  
 20 require two catalogs to be searched simultaneously, he  
 21 was referring to claim 3 of the '683, and not the  
 22 claims of the '516.  
 23 MS. ALBERT: I think you're --  
 24 MS. STOLL-DeBELL: Does that sound right?  
 25 MS. ALBERT: -- referring to claim 3, as

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1 well as claims 26 and 28 and 29.  
 2 But I don't dispute that this  
 3 particular page, 41, of the Markman does not deal with  
 4 claim 1 of the '516 patent.  
 5 Q. And this is the one where the court is  
 6 saying the correct construction must allow for  
 7 searching only one catalog, rather than searching two  
 8 or more at the same time?  
 9 A. It does say that.  
 10 Q. Okay. And I -- I don't see anywhere else  
 11 in the order where he says that same rule applies to  
 12 any of the claims in '516; do you?  
 13 A. I'd have to read the whole thing to know.  
 14 Q. Okay. Well, let's set that aside. I  
 15 think your opinion generally is that the UNSPSC code  
 16 functionality of Lawson's S3 software causes it to  
 17 meet the converting and cross-reference table elements  
 18 of the asserted claims; is that right?  
 19 A. That's correct.  
 20 MS. STOLL-DeBELL: Can you switch over to  
 21 the demo?  
 22 MR. HVASS: Sure.  
 23 MS. STOLL-DeBELL: I'm going to pull up --  
 24 it's actually a screen from the live demo that shows  
 25 an Item Master record.

21 (Pages 220 to 223)

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1 A. I'll just be sure.  
 2 MS. ALBERT: Just to clarify, you mean  
 3 within the '516 patent?  
 4 MS. STOLL-DeBELL: Yes; although I don't  
 5 think the other ones call for a cross-reference table  
 6 expressly, do they?  
 7 MS. ALBERT: I think you would have to look  
 8 at the courts claim construction.  
 9 A. Okay. So with a quick read, 21 and 29 of  
 10 the '516, the last element of each has this  
 11 determination system in it.  
 12 Q. Okay. So let's look at the  
 13 cross-reference table in claim 29, which reads -- it's  
 14 the very last claim in this patent. It reads, "a  
 15 cross-reference table linking a vendor item catalog  
 16 number from said vendor catalog with an item catalog  
 17 number from said predetermined third party."  
 18 My question is what -- what is the cross  
 19 reference table in Lawson's software that you say  
 20 meets this claim element?  
 21 A. The UNSPSC codes.  
 22 Q. So those are codes that can be assigned  
 23 to items, but what is the actual table? I couldn't  
 24 understand what you were saying the table is from your  
 25 report.

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1 A. The collection of assigned UNSPSC codes  
 2 constitutes a table.  
 3 Q. And those are within Item Master?  
 4 A. The UNSPSC codes?  
 5 Q. The assigned UNSPSC codes.  
 6 A. Well, they're in one of those tables. I  
 7 didn't look up which table it's in, but it's obviously  
 8 in the database.  
 9 Q. Okay. And this is the Item Master  
 10 database for a particular record, and it does show the  
 11 UNSPSC codes?  
 12 A. Yes.  
 13 Q. So assuming that it is Item Master where  
 14 these codes are stored -- and I'll represent that it  
 15 is.  
 16 A. Okay. That's reasonable.  
 17 Q. Okay. Are you then saying Item Master is  
 18 the cross-reference table, if it has items that have  
 19 UNSPSC codes assigned to them?  
 20 A. The portion of Item Master that is the  
 21 UNSPSC codes for all the items in the Item Master is  
 22 the UNSPSC table, the cross-reference table.  
 23 Q. Is Item Master a catalog database?  
 24 A. It is a database containing items from  
 25 catalogs.

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1 Q. Are the Item Master tables non-catalog  
 2 databases?  
 3 A. As far as I know, all the items that are  
 4 in the Item Master come originally from vendor  
 5 catalogs.  
 6 Q. How do you know that?  
 7 A. Reading the depositions of the people who  
 8 have been using the software and were talking about  
 9 uploading vendor catalogs and using Lawson's utility  
 10 program to do that.  
 11 Q. And that was just for Lawson's customers?  
 12 A. Multiple customers.  
 13 Q. But not all?  
 14 A. I didn't count.  
 15 Q. So you don't know whether all of Lawson's  
 16 customers were deposed?  
 17 A. I don't know. It seems improbable.  
 18 Q. It does, doesn't it?  
 19 A. Yes, it does.  
 20 Q. So Lawson's RSS software allows searching  
 21 by UNSPSC code; is that right?  
 22 A. Correct.  
 23 Q. That's the search category function,  
 24 right?  
 25 A. Right.

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1 Q. Can you search for UNSPSC code within RQ?  
 2 A. I don't think so.  
 3 Q. So would you -- is it your opinion that  
 4 the RQ module does not infringe any of the claims that  
 5 require converting staff or a cross-reference table?  
 6 MS. ALBERT: Object to the form of the  
 7 question. The RQ module in and of itself does not  
 8 constitute one of the accused systems.  
 9 Q. Okay. So when I say RQ, I mean the  
 10 non-RSS system. So it was the base modules, I think  
 11 you called them, or base system yesterday; is that  
 12 what we said it was going to be, IC, RQ and PO?  
 13 A. Yes.  
 14 Q. We called that the base system?  
 15 A. Base system.  
 16 Q. Okay. So let me ask that again. Is it  
 17 your opinion that the base system does not infringe  
 18 any of the claims that require converting or a  
 19 cross-reference table?  
 20 A. And you're representing that there is no  
 21 UNSPSC codes?  
 22 MS. ALBERT: I wouldn't take her  
 23 representation for it.  
 24 Q. Well, I don't --  
 25 A. Okay.

23 (Pages 228 to 231)

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1 Q. No. Let's back up, because I don't think  
2 I even said that, although I think I asked you if you  
3 can search in RQ by UNSPSC, and you said I don't think  
4 so. And I tend to agree with that. I don't think you  
5 can, either.

6 And so, based upon that fact, do you come  
7 to the conclusion that the base system -- which is RQ,  
8 IC and PO -- does not infringe any of the claims that  
9 require converting cross-reference tables?

10 A. I'll have to take a look at what I wrote  
11 about conversions.

12 Q. Are you in your report? It's around  
13 paragraph 174 I think you start talking about it.

14 A. (Witness perusing document).

15 Q. What section are you reading through now?

16 A. Section 5, beginning on page 74.

17 Q. Okay. Now what are you looking for?

18 A. Appendix 2.

19 Q. Which is your claim chart for the '516?

20 A. Correct.

21 Q. Are you looking for which claims?

22 A. The last element of claim 29 on page 323.  
23 (Witness perusing document).

24 Q. 323.

25 A. Okay.

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1 Q. My question is: Are you asserting  
2 infringement of these converting a cross-reference  
3 asserted claims against the base system that does not  
4 involve RSS?

5 A. No.

6 Q. That was easy.

7 Do you agree that Lawson's S3 software  
8 does not automatically replace one item for another?

9 MS. ALBERT: Vague and ambiguous as to the  
10 meaning of the term automatically.

11 A. It provides the mechanisms by which the  
12 user or potentially a software program could make the  
13 conversion.

14 Q. In the example that you gave, you were in  
15 RSS, and you added an item to the shopping cart, and  
16 then I think you went back to the search results and  
17 added something else, and then you took the first item  
18 back out?

19 A. Which example are we talking about?

20 Q. Well, I think you did it in a couple of  
21 examples, didn't you?

22 A. Yeah. Which one are we talking about?

23 Q. We could go through it. Which ones do  
24 you remember that you did?

25 A. The search for a computer case, a

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1 Kensington case, and found that one, but it was out of  
2 stock.

3 Q. Okay. And I'm more -- I think that was  
4 Punchout, right? I'm pretty sure that was Punchout,  
5 through Dell's Punchout site?

6 A. Yes. That's right.

7 Q. Okay. Let me ask you at a more basic  
8 level. Is it your opinion that if you select an item  
9 from a search result in RSS and add it to the card,  
10 and then add a second item and remove the first, that  
11 that is converting an item from one source to an item  
12 from a different source?

13 A. Well, that's too simplistic an  
14 explanation.

15 Q. Okay. Why?

16 A. Because you didn't mention the UNSPSC  
17 codes.

18 Q. Okay. So I should have said if you do a  
19 search -- a category search in RSS -- to find all  
20 items that meet a specific UNSPSC code, and then you  
21 add one of those search results into the shopping  
22 cart, and then you add a second search result into the  
23 shopping cart and remove the first search result, that  
24 that means that it's converting an item of one source  
25 to an item of a different source?

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1 A. Still not completely accurate.

2 Q. Why?

3 A. Because you didn't mention the UNSPSC  
4 code for the second item.

5 Q. Oh, okay. My question maybe wasn't  
6 totally clear. I was -- you were taking items from  
7 the same search result, two items from the same search  
8 result, which was searched by a UNSPSC code?

9 A. Okay. That wasn't clear.

10 Q. Okay. Okay. So now that it is clear,  
11 what's the answer to the question?

12 MS. ALBERT: Can you just reframe the entire  
13 question so it's clear on the record?

14 Q. Sure. If you are doing a search in  
15 RSS -- a category search -- to find all items that  
16 match a specific UNSPSC code or category, and you  
17 select the first item from your search results of that  
18 search and add it to the cart, then you select a  
19 second item in that same search result list, add it to  
20 the cart, remove the first item that you had added to  
21 the cart -- remove it from the cart -- does that meet  
22 the claim term converting an item of one source to an  
23 item of a different source?

24 A. Yes.

25 Q. You might just pull up the claims -- or

24 (Pages 232 to 235)